

Introduced by Senators Rainey, Costa, and Schiff

December 7, 1998

An act to amend Section 3060.5 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as introduced, Rainey. Parole: revocation.

Under existing law, the parole authority is required to revoke the parole of any prisoner who, among other things, refuses to sign a parole agreement setting forth the general and any special conditions applicable to the parole.

This bill would, in addition, provide that the parole authority may revoke the parole of any prisoner who demonstrates by his or her conduct, as defined, that he or she is suffering from a mental disorder that indicates the parolee is likely to engage in criminal behavior upon release.

Under existing law, confinement for any single violation of parole, absent a new conviction, may not exceed 6 months, except as specified.

This bill would provide that if a prisoner is confined because of the above-described provisions of the bill for the purpose of receiving psychiatric treatment, the time in custody may not be added to the parole period to extend the discharge date. This bill would also provide for release of the prisoner in the event of a change in mental condition, as specified, and for reports to the parole authority by the chief psychiatrist every 30 days regarding the prisoner's treatment and confinement, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3060.5 of the Penal Code is
2 amended to read:
3 3060.5. Notwithstanding any other provision of law,
4 the ~~parole authority~~ *Board of Prison Terms* shall revoke
5 the parole of any prisoner who refuses to sign a parole
6 agreement setting forth the general and any special
7 conditions applicable to the parole, refuses to sign any
8 form required by the Department of Justice stating that
9 the duty of the prisoner to register under Section 290 has
10 been explained to the prisoner, unless the duty to register
11 has not been explained to the prisoner, or refuses to
12 provide samples of blood or saliva as required by Section
13 290.2, and shall order the prisoner returned to prison.
14 ~~Confinement—~~*The Board of Prison Terms may revoke the*
15 *parole of any prisoner who by his or her conduct in the*
16 *90 days prior to his or her scheduled parole date or*
17 *revocation release date demonstrates that he or she is*
18 *suffering from a mental disorder which indicates that the*
19 *parolee is likely to engage in criminal behavior upon*
20 *release.*
21 *Confinement* pursuant to any single revocation of
22 parole under this section shall not, absent a new
23 conviction and commitment to prison under other
24 provisions of law, exceed six months, except as provided
25 in subdivision (c) of Section 3057. *If a prisoner is confined*
26 *pursuant to this section for the purpose of receiving*
27 *psychiatric treatment, the time in custody shall not be*
28 *added to the parole period so as to extend the discharge*
29 *date. If during the revocation period of a prisoner*
30 *confined under this section for psychiatric treatment, the*
31 *chief psychiatrist of the facility in which the prisoner is*
32 *confined determines that the prisoner’s mental condition*
33 *has so changed that the prisoner is no longer likely to*
34 *engage in criminal behavior upon release, or is no longer*
35 *in need of psychiatric treatment, or if the person is no*



1 longer being offered psychiatric treatment, the
2 Department of Corrections shall so certify and
3 recommend release of the prisoner to the Board of Prison
4 Terms. The Board of Prison Terms shall take action on the
5 recommendation within three working days of receipt of
6 the recommendation.

7 For the prisoner who has a mental disorder and is likely
8 to engage in criminal behavior upon release, the due
9 process hearing conducted by the Board of Prison Terms
10 shall be held within three working days of the prisoner's
11 parole date or revocation release date. For those parolees
12 placed in a correctional facility for treatment because of
13 a mental disorder, the chief psychiatrist of the
14 correctional facility shall report to the Board of Prison
15 Terms every 30 days concerning the parolee's progress in
16 treatment, the need for further treatment in a
17 correctional facility, and if the parolee may be treated in
18 a locked community psychiatric facility or a lesser
19 restrictive treatment environment.

